

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:07CV127-1-T
(1:02CR4)**

HARRY MOODY,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.))	

THIS MATTER is before the Court on Petitioner's motion for leave to file an additional affidavit in support of his response to the Respondent's motion for summary judgment and his cross motion for summary judgment.

The Court will allow Petitioner's filing of the additional affidavit and provide the Respondent with an opportunity to file response to the Petitioner's cross motion for summary judgment.

IT IS, THEREFORE, ORDERED that Petitioner's motion for leave to file an additional affidavit is **ALLOWED**, and the affidavit and supporting document is deemed timely filed *nunc pro tunc*.

IT IS FURTHER ORDERED that Respondent's reply to the
Petitioner's cross motion for summary judgment shall be filed on or before
September 28, 2007.

Signed: September 11, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

